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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,209	11/10/2003	Michel E. Gannage	01810.0021-US-1U	2940
22865	7590	01/24/2008		
Altera Law Group, LLC 220 S 6 St Suite 1700 Minneapolis, MN 55402			EXAMINER MURPHY, RHONDA L	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	Application No. 10/705,209	Applicant(s) GANNAGE ET AL.	
	Examiner Rhonda Murphy	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/31/07.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This communication is responsive to the amendment filed on 10/31/07. Accordingly, claims 1-17 are currently pending in this application.

### ***Response to Arguments***

1. Applicant's arguments filed 10/31/07 have been fully considered but they are not persuasive. Applicant argues LeBlanc fails to disclose sending files over an IP-enabled network. However, Examiner respectfully disagrees. LeBlanc discloses in paragraphs 26-27, sending streams of the audio content over the Internet that can be real-time, pre-recorded or stored. The real-time, pre-recorded or stored audio content are files transmitted over the Internet. As described in paragraph 27, LeBlanc states "a client application can start playing back streaming media as soon as enough data has been received without having to wait for the entire file to have arrived". Thus, LeBlanc teaches all claimed limitations and Examiner's position has been maintained.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by LeBlanc et al. (US 2003/0189589 A1).

**Regarding claims 1 and 13**, LeBlanc teaches a method of transferring voice content from a mobile terminal (Fig. 2; 130) to a recipient in near real time as the voice content is spoken (page 3, paragraph 26-27), comprising: capturing segments of the voice content at predetermined intervals (page 3, paragraphs 26-27); respectively sending the segments at predetermined intervals as files over a wireless IP-enabled network (page 3, paragraph 26-27), the predetermined intervals of the sending step being respectively in near real time with the predetermined intervals of the capturing step (page 3, paragraphs 26-27); receiving the files from the network (page 8, paragraphs 80-81); and recreating the voice content from the files received in the receiving step (page 8, paragraph 81).

**Regarding claims 2 and 14**, LeBlanc teaches the method of claim 1 wherein the sending segments step is done over a TCP connection (page 1, paragraph 6).

**Regarding claims 3 and 15**, LeBlanc teaches the method of claim 2 wherein the sending segments step is done using the notification channel (page 5, paragraph 51).

**Regarding claims 4 and 16**, LeBlanc teaches the method of claim 1. LeBlanc fails to explicitly teach the sending segments step done over a UDP connection.

However, it would have been obvious to one skilled in the art to send segments over a UDP connection, in order to avoid the overhead of checking whether the segments were actually received, and thus making the transmission faster and more efficient.

**Regarding claims 5 and 17**, LeBlanc teaches the method of claim 4 wherein the sending segments step is done using the notification channel (page 5, paragraph 51).

**Regarding claim 6**, LeBlanc teaches a method of recreating continuous audio content from segments thereof captured at predetermined intervals (page 3, paragraphs 26-27) comprising: respectively sending the segments at predetermined intervals as files over an IP network (page 3, paragraphs 26-27); receiving the files from the IP network (page 8, paragraphs 80-81) on a mobile phone (page 3, paragraph 28); and recreating the voice content from the files received in the receiving step (page 8, paragraph 81).

**Regarding claim 7**, LeBlanc teaches the method of claim 6 wherein the content comprises audio content. LeBlanc fails to explicitly teach the audio content comprising voice content.

However, it is known in the art that voice content is a form of audio content.

Therefore, it would have been obvious to one skilled in the art to include voice content as the audio content, in order to receive a stream containing voice.

**Regarding claim 8**, LeBlanc teaches the method of claim 6 wherein the content comprises audio content. LeBlanc fails to explicitly teach the audio content consisting voice content.

However, it is known in the art that voice content is a form of audio content.

Therefore, it would have been obvious to one skilled in the art to include voice content as the audio content, in order to receive a stream containing voice.

**Regarding claim 9**, LeBlanc teaches the method of claim 6 wherein the receiving files step is done over a TCP connection (page 1, paragraph 6).

**Regarding claim 10**, LeBlanc teaches the method of claim 9 wherein the receiving files step is done using the notification channel (page 8, paragraphs 81-82).

**Regarding claim 11**, LeBlanc teaches the method of claim 6. LeBlanc fails to explicitly teach the receiving files step is done over a UDP connection.

However, it would have been obvious to one skilled in the art to receive files over a UDP connection, in order to avoid the overhead of checking whether the segments were actually receive, and thus making the transmission faster and more efficient.

**Regarding claim 12**, LeBlanc teaches the method of claim 11 wherein the receiving files step is done using the notification channel (page 8, paragraphs 81-82).

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rhonda Murphy whose telephone number is (571) 272-3185. The examiner can normally be reached on Monday - Friday 9:00 - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

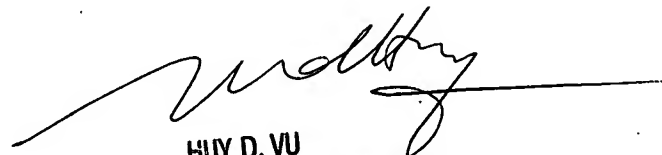
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Rhonda Murphy  
Examiner  
Art Unit 2616

RM



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